

**IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF OHIO
EASTERN DIVISION**

BARTON A. SCHILLING,

Petitioner,

v.

MIKE SHEETS,

Respondent.

CASE NO. 2:06-cv-316

JUDGE FROST

MAGISTRATE JUDGE ABEL

OPINION AND ORDER

On May 2, 2006, the Magistrate Judge issued a *Report and Recommendation* recommending that the instant petition for a writ of habeas corpus pursuant to 28 U.S.C. §2254 be transferred to the United States Court of Appeals for the Sixth Circuit as a successive petition. Although the parties were specifically informed of their right to object to the *Report and Recommendation*, and of the consequences of their failure to do so, there has nevertheless been no objection to the *Report and Recommendation*.

The *Report and Recommendation* is **ADOPTED** and **AFFIRMED**. This case is hereby **TRANSFERRED** to the United States Court of Appeals for the Sixth Circuit as a successive petition.

IT IS SO ORDERED.

/s/ Gregory L. Frost
GREGORY L. FROST
United States District Judge